

Central Administrative Tribunal
Principal Bench

OA No. 876/97

New Delhi, this the 12th Day of May, 1997

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.S.R.ADIGE, MEMBER(A)

Bharat Bhushan
S/o Shri Mohan Lal
Ex-Telephone Operator
D-763, Mandir Marg
New Delhi.

Applicant

(BY ADVOCATE SHRI A.K.BHARDWAJ)

Vs.

1. Union of India
Through:
The Secretary
Ministry of Communication
Sanchar Bhawan
New Delhi.
2. The Chief General Manager 'NTR'
Department of Telecommunication,
office of the Chief General Manager
'NTR', Kidwai Bhawan, New Delhi.
3. The Director(SM& ADMN)
(ND), Office of the Chief General Manager
(NTR) K.Bhawan, New Delhi.
4. The Assistant General Manager(Vig)
Department of Telecommunications,
Office of the General Manager Maintenance
NTR: Kidwai Bhawan, New Delhi.
5. The Member(P)
Department of Telecommunication,
Dak Tar Bhawan
Ashoka Road,
New Delhi.
6. The General Manager
Mahanagar Telephone Nigam Ltd.
Khurshid Lal Bhawan
New Delhi.

.... Respondents

ORDER

JUSTICE K.M.AGARWAL, CHAIRMAN:

Heard the learned counsel for the applicant on
admission.

2. The applicant was a Telephone Operator. He was chargesheeted in 1984 for unauthorised absence from duty, found guilty and subjected to a penalty of removal from service by the disciplinary authority. Appeal failed and, therefore, he filed OA No.2110/91 before this Tribunal which was disposed of by order dated 24.4.1996 with a direction to the respondents to treat the applicant's petition dated 14.3.1990 addressed to the Member(P), Department of Telecommunication, Dak Tar Bhawan(Respondent No.5) as a Revision Petition and thereafter to dispose it of in accordance with law by a detailed, speaking and reasoned order under intimation to the applicant within two months from the date of receipt of a copy of that order. The applicant's petition dated 14.3.1990 was thereafter disposed of by the Chief General Manager 'NTR', New Delhi by a speaking order dated 7.10.1996(Annexure A-9). By this order, the applicant's said petition dated 14.3.1990 was rejected and, therefore, he has again come up before the Tribunal with his present application under Section 49 of the Administrative Tribunals Act, 1985.

3. The learned counsel for the applicant submitted that although there was no charge in respect of any incident or absence for any period subsequent to 1984, it was taken into account while passing the impugned order of removal. Further grievance made was that of denial of opportunity to the applicant to make his submissions during the enquiry. It was also contended that the applicant had

submitted written submissions before the Enquiry Officer which were not looked into. For all these reasons, the learned counsel submitted that the proceedings were vitiated.

4. We find no substance in any of the aforesaid contentions. It does not appear from the impugned order(Annexure A-9) of the Chief General Manager that any of the aforesaid points were raised before him. In the application also it has not been stated although that ~~all~~ the aforesaid points were raised, the Revisional Authority failed to consider the same. The applicant had obtained leave for a period of only one month. After expiry of this period of leave, he did not join his duties but sent telegrams and applications for extending the leave from time to time. Making of applications or sending telegrammes would not automatically extend the period of leave and, therefore, if the period of such absence was treated as unauthorised absence from duty, the finding cannot be assailed as arbitrary or without jurisdiction. In proceedings under Section 19 of the Administrative Tribunals Act, 1985, we do not sit in judgement over the orders of the departmental authorities as an appellate court or Tribunal. We are, therefore, restrained from appreciating arguments directed to show contradictions in the JK orders impugned. There was material to justify the

finding arrived at by the disciplinary authority, by the appellate authority and by the revisional authority. The allegations made against the applicant also constituted misconduct. We, therefore, find no case for interference with the impugned orders passed by the departmental authorities. Accordingly, this application is hereby summarily dismissed.


(K.M. AGARWAL)
Chairman


(S.R. ADIGE)
Member(A)

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